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WQC number: 848-0290-WQC-1

Public Notice

Closing Date:
12/13/2013

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Nally & Hamilton Enterprises, Inc.
Mailing Address: P.O. Box 2323
London, KY 40741
Contact Person: Stephen Hamilton
Telephone No: (606) 878-1500
E Mail Address: _____
2. **Consultant Name & Address:** Biological Systems Consultants, Inc.
P.O. Box 54954, Lexington, KY 40555

Telephone No. (859) 263-4142
E Mail Address: jesse@biologicalsystemsconsultants.com
3. **Provide a brief description of the proposed activity and stream impact.**
The proposed activity consists of a 252.9 acre surface mining operation. The project proposes the construction of dugout ponds and 16 mine through areas along 18,671 linear feet of ephemeral, intermittent, and perennial streams.
4. **Project Location Information:**

County Harlan ; USGS Quadrangle Name: Ewing & Wallins Creek

Nearest Community & Road Intersection: Pathfork; KY HWY 72 and Mill Creek Road

Longitude -83.4837574 Latitude 36.7282938 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:** Right Fork Mill Creek, Left Fork Mill Creek, Unnamed tributaries to Mill Creek, Mill Creek Proper

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

No permanent structures are proposed.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

-Right Fork Mill Creek; Mine Area A; Temporary; Ephemeral; 300 Linear Feet

-Right Fork Mill Creek; Mine Area A; Temporary; Intermittent; 868 Linear Feet

-Right Fork Mill Creek; Mine Area B; Temporary; Intermittent; 50 Linear Feet

-Right Fork Mill Creek; Mine Area B; Temporary; Perennial; 1,430 Linear Feet

-Right Fork Mill Creek; Mine Area C; Temporary; Ephemeral; 106 Linear Feet

-Right Fork Mill Creek; Mine Area C; Temporary; Ephemeral; 491 Linear Feet

-UT Mill Creek; Mine Area D; Temporary; Intermittent; 727 Linear Feet

-UT Mill Creek; SS#7; Temporary; Intermittent; 86 Linear Feet

-UT Mill Creek; SS#9; Temporary; Intermittent; 124 Linear Feet

-UT Mill Creek; Mine Area E; Temporary; Intermittent; 346 Linear Feet

-UT Mill Creek; Mine Area E; Temporary; Perennial; 706 Linear Feet

-Poplar Lick Branch; Mine Area F; Temporary; Perennial; 2,262 Linear Feet

-Mill Creek; Mine Area G; Temporary; Perennial; 4,608 Linear Feet

-Mill Creek; SS#11; Temporary; Perennial; 188 Linear Feet

-UT Mill Creek; Mine Area H; Temporary; Intermittent; 365 Linear Feet

-UT Mill Creek; Mine Area H; Temporary; Perennial; 710 Linear Feet

-UT Mill Creek; Mine Area I; Temporary; Intermittent; 158 Linear Feet

-Left Fork Mill Creek; Mine Area J; Temporary; I; 1,730 Linear Feet

-Left Fork Mill Creek; Mine Area J; Temporary; Perennial; 1,730 Linear Feet

-UT Mill Creek; Mine Area K; Temporary; Ephemeral; 493 Linear Feet

-UT Mill Creek; Mine Area L; Temporary; Intermittent; 526 Linear Feet

-UT Mill Creek; Mine Area L; Temporary; Perennial; 1,016 Linear Feet

-UT Mill Creek; Mine Area M; Temporary; Perennial; 442 Linear Feet

-UT Mill Creek; Mine Area N; Temporary; Ephemeral; 376 Linear Feet

-UT Mill Creek; Mine Area O; Temporary; Ephemeral; 396 Linear Feet

-UT Mill Creek; Mine Area P; Temporary; Ephemeral; 57 Linear Feet

-UT Mill Creek; Mine Area P; Temporary; Intermittent; 110 Linear Feet

8. Provide the acreage of wetlands that would be impacted: N/A

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

1 mile southwest from KY 72's junction with Mill Creek Road.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual ☒ Other _____

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 848-0290, KPDES No. KYG046331

12. The following attachments must be provided:

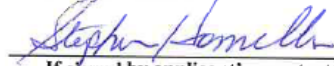
- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

N/A

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



Date: 4-25-2012

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601